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Attorneys for Defendants American Valley Community
Services District, Jim Doohan, Denny Churchill

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MIKE GREEN and JOHN SELBY

Plaintiffs,

v.

AMERICAN VALLEY COMMUNITY
SERVICES DISTRICT, JIM DOOHAN
DENNY CHURCHILL; and DOES 1 through
20, inclusive

Defendants.

Case No. 2:21-cv-00131-WBS-DMC

**STIPULATION AND ORDER TO
DISMISS PLAINTIFFS'
COMPLAINT WITHOUT
PREJUDICE**

RECITALS

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2 1. Plaintiffs Mike Green and John Selby (“Plaintiffs”) commenced this action by
3 filing a complaint in the United States District Court Eastern District of California (“Eastern
4 District”) on or about January 22, 2021, against Defendants American Valley Community
5 Services District, Jim Doohan, and Denny Churchill (collectively “Defendants”). Invoking
6 jurisdiction through a federal question, Plaintiff’s complaint alleged one cause of action for
7 Retaliation under Fair Labor Standards Act (FLSA) 29 U.S.C. § 215(a)(3).

8 2. On April 21, 2021, Defendants filed a Motion to Dismiss Plaintiffs’ First Cause of
9 Action for Retaliation under the FLSA for failure to identify a qualifying protected activity under
10 29 U.S.C. § 215 *et seq.* Without Plaintiffs’ first cause of action, Plaintiffs’ complaint lacks subject
11 matter jurisdiction. Defendants, further, moved to dismiss Plaintiffs’ remaining causes of action
12 for lack of supplemental jurisdiction.

13 3. The parties have met and conferred, and thereon agree, that Plaintiffs’ first cause
14 of action for Retaliation under the FLSA cannot be maintained and must be dismissed. The
15 dismissal of Plaintiff’s first cause of action deprives Plaintiffs’ complaint of subject matter
16 jurisdiction. Upon the dismissal of Plaintiffs’ first cause of action, the Parties further agree that
17 Plaintiffs’ remaining state claims must also be dismissed for lack of supplemental jurisdiction.

18 4. Given that the Parties have agreed that dismissal without prejudice is warranted at
19 this time, the parties respectfully request that Plaintiffs’ Complaint filed in the Easter District, be
20 dismissed without prejudice. The Parties agree to bear their own attorneys’ fees and costs.

21 5. The Parties agree that all relevant statutes of limitations have been tolled while this
22 case was pending, and further that they will remain tolled for thirty (30) days after dismissal of
23 this matter to allow Plaintiffs to refile their complaint in Plumas County Superior Court.

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STIPULATION

NOW, THEREFORE, Plaintiffs and Defendants, by and through their attorneys of record, hereby stipulate and agree that Plaintiffs' Complaint filed herein be dismissed without prejudice.

IT IS SO STIPULATED.

Date: June 3, 2021

LAW OFFICES OF PATRICIA A. SAVAGE

/s/ Patricia A. Savage
Patricia A. Savage
Angela Hooper
Attorneys for Plaintiffs
Mike Green and John Selby

Date: June 3, 2021

MAIRE & DEEDON


/s/ Patrick L. Deedon
Patrick L Deedon
James R. Powell
Attorneys for Defendants
American Valley Community Services District
Jim Doohan, and Denny Churchill

ORDER

Based on the Parties Stipulation, and good cause appearing therefore, IT IS ORDERED that Plaintiffs' Complaint is dismissed without prejudice and that all pending matters and dates set before this Court are hereby VACATED. This Court will take no further action regarding this case.

IT IS SO ORDERED.

Dated: June 7, 2021


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE